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PERSONAL, CONFIDENTIAL AND PRIVLEDGED MEMORANDUM:

DATE: April 11, 2018

FROM: Michael Holmes

REGARDING: Shane Smith Discipline Bargaining

¶ The following notes were taken in a short hand fashion, in an attempt to record the most significant events that took place during the course of the negotiation meeting but do not necessarily represent the opinions of the author of this memorandum, nor of the firm of Burdzinski & Partners Incorporated.

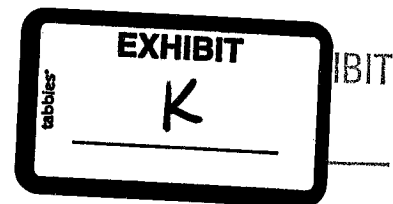
¶ The meeting was not electronically recorded, nor was a transcript made, during the course of the contract negotiation meeting, however notes were taken by the author of this memorandum and by other members of the employer's bargaining committee.

¶ The employer was represented by: the author of this memorandum:

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¶ The union was represented by:

Mr. Ted Beardsley and David Payne



To start at 3:00 pm in Columbus at the teamster hall

Jim Allen is on the phone and Michael Holmes is physically at the meeting.

It is 2:58 and Shane Smith is also in attendance

--Begin--

Jim: Shane held himself out at an agent of the company. He called to PINC and attempted to process a \$3,200 purchase order. You can't do that, that is major and that is a big deal. When we started this process, and we wanted to investigate, Shane turned around and threatened the Brian.

I get it that Shane is the steward and in the union and that is why we are talking about this and negotiating it, and our intention is to fire him.

Shane: On Monday, between 12 and 1, I approached our new manager brian and asked if he was aware with issues with truck 236. Brian said "you can deal with that"/ "can do that", and gave me permission. When I was off the clock on lunch, I called up the number, and talked to a guy named Dave. A thought opened up, and I asked about new knowledge, and was told that he can't tell him what is going on and he talked to a guy named Jeremy, and then Jeremy came over to pop up on the computer, and he said it's been a three month thing going , eventually he was told that neither of us is liable for the debt, and then I asked "has anyone from both ends, or joe inside thought to send an email asking shamrock, or anything updated, and when asked how to answer it, he asked if he wanted it to be a driver inquiry, and he had to get to work and then he hung up.

That was 1:30 to 2:30, and then 5:00 or 5:30 I got called by brian, and he said corporate and him said "you are suspended," and then I asked him and then left, and I did not threaten Brian and I know what this is about and I will be back to work with or without back pay.

Then I gathered up my stuff and left, and I called Dave at PINC back and then called Jerry over with the supply chain guy Jeremy and then he said when asked if he was inquiring, per drivers curiosity, per drivers curiosity and asking about that – is that the email he sent, well that's what did it.

After I told him what happened, Jerry got quiet, and I asked him when I got off there, it was not premediated, nothing was malicious about it, and I wanted to do a good deed. That's exactly what happened,

Ted: Why didn't Bryan do it, and he gave you permission and walked you through about it.

Shane: Everything he said was what I know and was in that email

Jim: Why would Bryan lie about it, what's his motivation?

Shane: Right before Brian (ted interrupted)

Ted: Brian is afraid.

Jim: ...what did you say Shane?

Shane: I mentioned that if this had permission to call about the it thing

Jim: why would you say about permission, why would say anything about permission

Shane: I wanted to know why I was being suspended, I asked if we needed permission about pinks

Mike: passed over emails from PINC to the union

Mike: Did you call PINC again, knowing why you were sent off the site?

Shane: Yea I asked him again after and called Jerry again.

Ted (talking to Shane): you know as well as I do I would not do it without permission, lets face the facts, it is not that he inquired that he did this, and we all do even really know what he is talking about. As far as everything after he called pinks, I told him that Brian should be the one dealing with this.

Jim: We have been passing along this stuff to fix it.

Mike: Passed off the incident report to the union.

Dave: This is how the numbers (PO amount) came in?

Ted: They're not going to do something unless authorized to do it.

Jim: I hear that, but I do not think he had permission. We can circle back after hearing from our guys.

Ted: Shane has been very honest about this, and I do not see him lying about this now, especially because you have to be walked through to do this

Jim: I get it, and I understand, and if their story sticks, we will terminate, this is how investigatory situations work.

Ted: If he was tempted to deny or if you step back, a lot of people go into a situation...

Jim: If what you're saying is true, and if the company determines that is not the case and we wasn't to make sure we do the investigation, and when we make a final decision we will make sure we let you know, but for now nothing is going to happen before, and we need to vet this and we don't want to fight a stupid ULPC.

Ted: And if he is a new manager, he is indecisive anyways, and if you're not confident in what you, and this manager will say I got to do what I have to do, just because Brian needs a job.

Jim: We won't drag the investigation out.

Ted: And I kind of wish Brian would have been accessible to this meeting, and there are some questions I would like to ask him, and I want to interview him, and let's face it, people tend to worry about themselves, verses what is best for themselves, and Shane had told me I am trying to help the company and not hurt the company, and I could not make heads or tails, and now I see it in front of me crystal clear, and it is a situation that is bad and make the manager do it even if you get permission.

Jim: We made clear that that the union has rights to be heard, and we need a proper investigation and with our new information we will get back to you, and we will not drag this out either, and we will get to this in the next 24 hours, does that work?

Ted: Fair enough.

Jim: I have nothing else.

Shane: I have nothing else.

Mike: As a final question, Shane never called in another order before this right?

Ted: You have to go through a proper step and channels to do that.

Mike: We will track all of this down.

Ended at 3:25
